



Seattle Police Department Policy Manual



6.020 – Interactions with Foreign Nationals

Effective Date: 02/01/2018

It is the Seattle Police Department's intent to foster trust and cooperation with *all* people served by the Department, including immigrant and refugee residents.

The Department encourages any person who wishes to communicate with Seattle Police officers to do so without fear of inquiry regarding their immigration status.

6.020-POL-1 General Policy Regarding Contacts with Foreign Nationals

The Department recognizes that local law enforcement has no role in immigration enforcement. "Unlawful presence" in the country is a civil matter and not within the department's jurisdiction.

1. Employees Will Not Inquire About Any Person's Citizenship or Immigration Status

There are no exceptions to this policy, unless approved by the Chief of Police or designee.

2. Employees Will Not Request Specific Documents for the Sole Purpose of Determining a Person's Immigration Status

A general request for adequate identification as part of a criminal investigation or to issue a Notice of Infraction is typically all that is necessary or appropriate.

Employees may rely on immigration documents to establish someone's identity if they are the person's only source of identification.

3. Employees Will Not Initiate, Maintain, or Participate in any Police Action Based on an Individual's Immigration Status

SPD employees will not act on NCIC/WACIC hits issued by Immigration and Customs Enforcement (ICE), Enforcement and Removal

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Operations (ERO), or other DHS agencies. These hits may include some or all of the following language:

- "Administrative Warrant of Removal from the United States"
- "Immigration Violation – Failure to Appear for Removal"
- "Outstanding Warrant for Deportation"

SPD Employees regardless of assignment within SPD or participation in joint task force operations must comply with this policy.

4. Employees Will Notify a Bureau Chief Through the Chain of Command Before Contacting the Department of Homeland Security (DHS) Regarding Foreign Nationals

Employees will not contact DHS or any agencies thereof, respond to DHS inquiries, or grant DHS access to police facilities under any circumstances involving a foreign national without first notifying a bureau chief or above.

6.020-POL-2 Arrest and Detention of Foreign Nationals

The Vienna Convention and other treaties outline notification procedures when a foreign national is detained or arrested. Consular officials may access their nationals in detention and provide consular assistance. However, notification places no obligation upon consular officials to perform any services on behalf of the foreign national.

Compliance with this policy enhances the ability of the United States to insist that foreign officials provide the same rights to United States citizens arrested abroad.

The US Department of State has more information on consular notification on their [website](#).

1. Employees Will Notify a Bureau Chief Through the Chain of Command Before Contacting the Department of Homeland Security (DHS) Regarding Foreign Nationals

Employees will not contact DHS or any agencies thereof, respond to DHS inquiries, or grant DHS access to police facilities under any circumstances involving the arrest or detention of a foreign national without first notifying a bureau chief or above.

2. Employees Will Notify Detained or Arrested Foreign Nationals of the Right to Consular Notification

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Employees will not inquire about any person's citizenship or immigration status.

When an arrested or detained person *voluntarily* gives information or a search yields documentation that he or she is a foreign national, employees will advise the arrestee or detainee of the right to have consular officials notified. This applies whether or not the suspect will be interrogated.

- The notification occurs after arrival at the precinct, jail, or other significant detention such as hospitalization, but before interrogation or booking. [Department of State – Consular Notification and Access](#)

Note: A person who is a citizen of the United States and another country (dual citizenship) may be treated exclusively as a United States citizen when in the United States. Consular notification is not required if the detainee is a U.S. citizen. This is true even if the detainee's other country of citizenship is a mandatory notification country.

Absent other information, officers may accept the person's passport or other travel document as evidence of the person's nationality.

The employee making the arrest makes the consular notification.

(See 6.020-TSK-1 Employee Making a Consular Notification)

3. Some Circumstances Trigger Automatic Consular Notification

The Department of State maintains a list of countries that require consular notification when one of their citizens is arrested or detained. Once an employee is made aware that the arrested or detained person is a citizen of one of these countries, notification must be made regardless of the foreign national's wishes.

That list is located here: [Mandatory Notification Countries](#)

The following circumstances also trigger automatic consular notification.

- When a government official becomes aware of the death of a foreign national;
- When a guardianship or trusteeship is being considered with respect to a foreign national who is a minor or incompetent;
- When a foreign ship or aircraft is involved in a collision or accident.

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4. Employees Will Record Details of Consular Notification in the Report

Employees will document the steps taken to notify the consulate or advise the arrestee/detainee of their right to consular notification.

5. Employees Will Verify Claims of Diplomatic Immunity

The Department of State issues identification cards to foreign nationals with diplomatic immunity. The degree of immunity is detailed on the back of the cards.

Once a person claims to be entitled to immunity, officers will immediately advise the person that their immunity status must be verified and request identification to substantiate the claim.

If the person claiming immunity cannot provide documentation, and the offense would warrant arrest or detention, the officer may continue to detain the suspect until confirming the individual's status.

If the claim of immunity is not valid, the officer will follow standard procedures, keeping in mind the appropriate consular notification and/or advisement.

Employees may contact the [Department of State](#) with questions on diplomatic immunity. Their website contains phone and fax numbers.

6. Employees May Intervene for Public Safety Regardless of an Involved Person's Diplomatic Status

When a foreign national with full diplomatic immunity is involved in an incident, and the safety of the public is in imminent danger or a crime may otherwise be committed, employees may intervene to halt such activity. This intervention may include use of force and/or arrest if otherwise justified according to existing policy.

If an officer has a person stopped and the officer believes the person is too impaired by alcohol/narcotics to drive safely, the officer will not permit that person to continue to drive (even in the case of diplomatic agents).

In these cases, the screening sergeant contacts the Department of State for guidance as soon as feasible.

7. Employees May Stop Foreign Nationals for Investigation (Terry Stop) or Stop and Cite for Traffic Violations Regardless of Their Diplomatic Immunity

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A stop for a traffic infraction is not considered an arrest or detention as it relates to diplomatic immunity.

8. Employees Will Thoroughly Document Incidents Involving Immunity

Investigating and preparing reports does not violate diplomatic immunity. Absent a public safety emergency, when a foreign national with full diplomatic immunity is suspected of committing a crime, officers shall obtain as much information as possible during the initial investigation.

In addition to the offense(s) being investigated, employees will list "Diplomatic-Personnel-Involved" in the "Offenses" section.

The primary officer will send the Report to a sergeant for approval, notify the sergeant directly, and send any paper documents to the Data Center in an ALERT Packet.

The sergeant will route the Report as an ALERT packet after review and approval.

The Data Center will fax a copy of the report to the Department of State.

9. Joint Operations with Federal Agencies Require Bureau Chief Approval

The Department designates personnel to assist federal agencies from time to time, and these operations may involve the arrest of persons who have been previously deported and are currently involved in criminal activity. Any such joint operations, including access to SPD facilities, require approval of the employees' bureau chief via the chain of command.

6.020-TSK-1 Employee Making a Consular Notification

When an arrestee/detainee voluntarily provides information or documentation that he or she is a foreign national, the **employee**:

1. **Advises** the arrestee/detainee of the following:
 - a. For a **mandatory** notification country:

Because of your nationality, we are required to notify your country's consular representatives here in the United States that you have been arrested or detained. After your consular officials

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are notified, they may call or visit you. You are not required to accept their assistance, but they may be able to help you obtain legal counsel and may contact your family and visit you in detention, among other things. We will be notifying your country's consular officials as soon as possible.

b. For a **non-mandatory** notification country:

As a non-United States citizen who is being arrested or detained, you are entitled to have us notify your country's consular representatives here in the United States. A consular official from your country may be able to help you obtain legal counsel and may contact your family and visit you in detention, among other things. If you want us to notify your country's consular officials, you can request this notification now, or at any time in the future. After your consular officials are notified, they may call or visit you. Do you want us to notify your country's consular officials?

- The Department of State has this notification in different languages and contact information for consular offices on their [website](#).

2. **Notify** that country's nearest consular official if required or requested by faxing or emailing SPD form 58.0.

- If a fax machine and email are not available, **call** to make consular notification and **document** the date, time, and point of contact in the Report.

3. **Submit** the fax sheet and fax transmittal report or a printout of the sent email to the Data Center.

- If the fax machine does not print a fax transmittal report, **record** the date and time the fax was sent in the Report.

4. **Document** the method of notification or attempt in the Report.

5. **Notify** jail staff if the suspect is being booked and notification has not yet been made.